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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,054	04/06/2000	Nir Yona	BEN MOSHE 3-1-1-2-1-2	8130
7590	06/24/2005		EXAMINER	LEE, CHRISTOPHER E
JOSEPH B. RYAN RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			ART UNIT	PAPER NUMBER
			2112	
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/544,054	YONA ET AL.
	Examiner	Art Unit
	Christopher E. Lee	2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12 and 30 is/are allowed.
- 6) Claim(s) 23-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date <u>25</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Examiner's Notice

1. In view of Decision on Appeal mailed on 11th of February 2005, PROSECUTION IS HEREBY REOPENED. The appealed claims 1-11, 13-22 and 31-38 have been canceled according to the BPAI decision, such that the rejections of the claims 1-3, 13, 14, and 16-18 under 35 U.S.C. §102(b), and the claims 4-11, 15, 19-22, and 31-38 under 35 U.S.C. §103(a) are sustained. Currently, claims 12 and 23-30 are pending in this application.

2. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Group 2100 Director and Supervisory Patent Examiner (SPE) have approved of reopening prosecution by signing below:

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Paul Trull
XO. DIRECTOR
TC 2100

Rohana Perven

SPE
TC 2100

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5 4. Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaBerge [US 5,771,358 A] in view of what was well known in the art, as exemplified by Klatt et al. [US 5,993,261 A; hereinafter Klatt].

Referring to claim 23, LaBerge discloses a method of allocating sub-buses (i.e. apportioning bus bandwidth; See col. 1, lines 6-8) to hard drives (i.e., bus requesters 28 and 30 in Fig. 1) of a switch (i.e., 10 bus controller 24 of Fig. 1), comprising:

- determining bandwidth needs of each of said hard drives (See Fig. 3 and col. 5, lines 9-26);
- assigning each of said hard drives a bus demand value (weighting value) which is a function (See col. 3, lines 35-36) of said bandwidth needs of said hard drive and a current bandwidth allocated to said hard drive (See Fig. 2-3 and col. 3, lines 45+); and
- allocating (i.e. apportioning) said sub-buses (i.e. bus bandwidth) to said hard drives (i.e. bus requesters) based on said bus demand values of said hard drives (See col. 3, lines 36-44 and col. 15 4, lines 21-28).

LaBerge does not expressly teach said hard drive is in the form of card.

The Examiner takes Official Notice that said hard drive is in the form of card, what was well known 20 to one of ordinary skill in the art, as evidenced by Klatt at col. 1, lines 25-26.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used said card-type hard drive, as disclosed by Klatt, for said hard drive (i.e., bus requester), as disclosed by LaBerge since it would have provide for variability and transportability (See Klatt, col. 1, lines 18-30).

Referring to claim 24, LaBerge teaches

- receiving (i.e., detecting) messages (i.e. address strobes) from said cards (See col. 5, lines 14-18).

Referring to claim 25, LaBerge teaches

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- determining a measure of utilization (See Fig. 3-4) of said sub-buses currently allocated to said card (See col. 5, lines 38-61).

Referring to claim 26, LaBerge teaches

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- listening (i.e. monitoring) to said sub-buses currently allocated to said card (See col. 5, lines 61-63).

Referring to claim 27, LaBerge teaches

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- assigning a bus demand value (i.e. weighting value) which is a function of a priority (i.e., a function of predetermined value - a static maximum requester bandwidth) of said card (in fact, said static maximum requester bandwidth being allocated to said card, viz., priority; See col. 5, line 67 through col. 6, line 8).

Referring to claim 28, LaBerge teaches

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- assigning a bus demand value (i.e. weighting value) which is a function of a minimal number of sub-buses which must be allocated to said card (See col. 5, lines 58-67; i.e., weighting value calculator calculates apportioning bus bandwidth based on an identified requester bandwidths implies that assigning a bus demand value is a function of a minimal number of sub-buses (i.e., identified bandwidths) which must be allocated to said card).

Referring to claim 29, LaBerge teaches

- allocating sub-buses not currently allocated to a specific card as additional sub-buses to said cards with the highest bus demand values (See col. 4, lines 30-32 and lines 37-46).

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Allowable Subject Matter

- Claims 12 and 30 are allowed.
- The statement of reasons for the indication of allowable subject matter had been described on the Office Action (paper no. 10) mailed on 13th of December 2002.

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Conclusion

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al. [US 6,147,863 A] disclose industrial computer with a card-type memory. Wilkinson et al. [US 6,094,715 A] disclose SIMD/MIMD processing synchronization, wherein a card-type hard drive is disclosed.

15

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The examiner can normally be reached on 5:30am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher E. Lee
Examiner
Art Unit 2112

CEL/

